

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, MAY 1, 2001
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.**

Commissioners Present: Bob Workman, Vice Chair
Bernie Heier
Larry Hudkins
Linda Steinman

Commissioners Absent: Kathy Campbell, Chair

Others Present: Norma Agena, County Assessor
Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy County Clerk

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, April 24, 2001. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

MOTION: Heier moved and Steinman seconded approval of the minutes of the Board of Equalization meeting dated April 24, 2001. Heier, Workman and Steinman voted aye. Hudkins was absent from voting. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 145 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Steinman moved and Heier seconded approval. Heier, Steinman and Workman voted aye. Hudkins was absent from voting. Motion carried.

- 3) **MOTOR VEHICLE TAX EXEMPTIONS:**

There were no motor vehicle tax exemptions.

The Chair recessed the Board of Equalization meeting until 2:15 p.m. when it was reconvened.

Norm Agena, County Assessor, explained that on April 24, 2001 the Board of Equalization acted on a protest filed by Southeast Community College (Parcel I.D. 11-03-358-001-000). He noted that the filing should have been an application for an exemption, not a protest.

Agena recommended that the filing be denied.

MOTION: Heier moved and Steinman seconded to reconsider a protest filed by Southeast Community College (Parcel I.D. 11-03-358-001-000). Heier, Steinman, Hudkins and Workman voted aye. Motion carried.

MOTION: Hudkins moved and Steinman seconded to accept the Assessor's recommendation to deny a protest filed by Southeast Community College (Parcel I.D. 11-03-358-001-000). Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

4) **APPROVAL OF 2001 451 TAX EXEMPTIONS ON REAL AND PERSONAL PROPERTY WITH A LATE FILING PENALTY PER EXHIBIT B:**

MOTION: Heier moved and Steinman seconded approval of 2001 451 tax exemptions on real and personal property with a late filing penalty per Exhibit B. Workman, Hudkins, Steinman and Heier voted aye. Motion carried.

5) **APPROVAL OF 2001 451A TAX EXEMPTIONS ON REAL AND PERSONAL PROPERTY WITH A LATE FILING PENALTY PER EXHIBIT C:**

MOTION: Hudkins moved and Heier seconded approval of 2001 451A tax exemptions on real and personal property with a late filing penalty per Exhibit C. Hudkins, Steinman, Workman and Heier voted aye. Motion carried.

6) **APPROVAL OF 2001 PARTIAL 451A TAX EXEMPTIONS ON REAL AND PERSONAL PROPERTY WITH A LATE FILING PENALTY PER EXHIBIT D:**

MOTION: Heier moved and Steinman seconded approval of 2001 partial 451A tax exemptions on real and personal property with a late filing penalty per Exhibit D. Steinman, Workman, Hudkins and Heier voted aye. Motion carried.

7) **DENIAL OF 2001 451 TAX EXEMPTIONS ON REAL AND PERSONAL PROPERTY PER EXHIBIT E:**

Norm Agena, County Assessor, indicated that exemption number 451X (St. Elizabeth Foundation) should be approved.

Denial was recommended on the remainder of the list.

MOTION: Steinman moved and Heier seconded denial of 2001 451 tax exemptions on real and personal property per Exhibit E, with the exception of 451X (St. Elizabeth Foundation) which was approved. Heier, Workman, Hudkins and Steinman voted aye. Motion carried.

8) **DENIAL OF 2001 451A TAX EXEMPTIONS ON REAL AND PERSONAL PROPERTY PER EXHIBIT F:**

Norm Agena, County Assessor, recommended that exemption number 451P (St. Elizabeth Foundation) be approved.

MOTION: Steinman moved and Heier seconded denial of 2001 451A tax exemptions on real and personal property per Exhibit F, with the exception of exemption number 451P (St. Elizabeth Foundation) which was approved. Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

9) **ADJOURNMENT**

By direction of the Chair, the Board of Equalization meeting was adjourned.

Bruce Medcalf
County Clerk

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- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, April 24, 2001. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)**

MOTION: Heier moved and Steinman seconded approval of the minutes of the Board of Commissioners meeting dated April 24, 2001. Heier, Workman and Steinman voted aye. Hudkins was absent from voting. Motion carried.

(Hudkins entered the County Commissioners Chambers.)

- 2) **CLAIMS: Approval of all claims processed through Tuesday, May 1, 2001.**

Workman requested that action be taken separately on Voucher Number 628-010847, in the amount of \$18,453.89.

MOTION: Steinman moved and Heier seconded approval of the claims, with the exception of Voucher Number 628-010847. Heier, Steinman, Hudkins and Workman voted aye. Motion carried.

Workman stated he felt they should delay action on Voucher Number 628-010847 until such time that a legal opinion is obtained by the County Board.

2) **CLAIMS CONTINUED:**

In response to a question asked by Hudkins regarding the claim, Workman stated the claim is in the amount of \$18,453.89 for attorney fees incurred by Kelly Moore Guenzel Handlos.

MOTION: Steinman moved and Heier seconded to defer action on Voucher Number 628-010847 until such time that the County Board can obtain an attorney's opinion regarding the claim. Hudkins, Steinman, Heier and Workman voted aye. Motion carried.

3) **OLD BUSINESS:**

A. City-County Keno grant contracts with the following:

- ▶ Heartland Big Brothers/Big Sisters, in the amount of \$7,500, for the School-Based Mentoring Program. (C-01-150)
- ▶ Lincoln Interfaith Council, in the amount of \$7,500, for the Connecting Neighborhood Partnership Program. (C-01-151)
- ▶ Friendship Home, in the amount of \$1,865, for the Parent Support and Education Project. (C-01-152)
- ▶ Homestead Girl Scouts Council, in the amount of \$5,000, for the Zink to the Zebra Program. (C-01-153)
- ▶ Madonna Rehabilitation Hospital, in the amount of \$3,500, for the Helmet Safety Task Force. (C-01-154)
- ▶ Northeast Family Resource Center, in the amount of \$7,500, for the Community Learning Center. (C-01-155)
- ▶ Lincoln Action Program, in the amount of \$7,500, for the New American Youth Camp. (C-01-156)
- ▶ Bright Lights, in the amount of \$1,500, for the Elementary Scholarship Program. (C-01-157)

MOTION: Steinman moved and Heier seconded approval. Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

B. An agreement with Gable Consulting to provide consulting services for records management software selection. The County will pay up to \$30,000 for the services as provided in Exhibit "A". (C-01-107)

Gwen Thorpe, Deputy County Clerk, informed the Board that the consultant is available to come to Lincoln the week of May 21st if the contract is approved.

3) **OLD BUSINESS CONTINUED:**

MOTION: Steinman moved and Heier seconded approval.

In response to a question asked by Hudkins, David Johnson, Deputy County Attorney, explained that the consultant wants a cap on liability, however, the County Attorney's Office cannot give their approval because of the liability issue. He added that the contract was not illegal, but it is a contract that their office feels is not in good form.

Hudkins stated he could not support the motion because the County Attorney's Office cannot give their approval on the contract. He added he felt the Board would be violating their fiduciary responsibility by supporting the contract.

Steinman stated there are circumstances when contracts must be developed which may not be totally favorable. She stated she felt the consultant's reputation indicates that she would not withdraw from the contract and that the Board should proceed with approval.

Heier concurred with Steinman and noted that the County Attorney's Office had pointed out that the contract was not illegal. He said it is a contract that some of the County Board don't agree upon, particularly the liability and added that it is sometimes mandatory, in all businesses, to make decisions that are not always unanimous.

Workman asked if there was a graduated scale regarding payment.

Thorpe stated a payment schedule is attached to the back of the contract.

In response to a question asked by Heier, Thorpe stated she and Brian Pillard, Records and Information Management, had only found two consultants.

Hudkins asked if contact was made with the National Association of County Officials.

Thorpe responded she had put a request out on their website, however, no response was obtained.

ROLL CALL: Workman, Steinman and Heier voted aye. Hudkins voted no.
Motion carried.

3) **OLD BUSINESS CONTINUED:**

- C. An agreement with Lincoln Electric System of Lincoln to adjust some, if not all, of its facility on Fletcher Avenue with regard to Project C55-H-409(1). The County will pay \$18,165. (C-01-185)

David Johnson, Deputy County Attorney, stated language was added regarding a cap in relation to the County's obligation. He stated the cap was a little over \$36,000 even though the estimated share is \$18,165. If it exceeds \$36,000, Johnson said, the contract will come back to the County Board.

MOTION: Steinman moved and Hudkins seconded approval. Hudkins, Steinman, Workman and Heier voted aye. Motion carried.

- D. An agreement with The Schemmer Association, Inc. for preliminary survey, roadway design and plan preparation for Wild Rose Lane, beginning at Northwest 31st Street to Northwest 27th Street. The County will pay \$10,600 for the services which are to be completed by August 3, 2001. (C-01-188)

MOTION: Hudkins moved and Steinman seconded approval. Steinman, Workman, Hudkins and Heier voted aye. Motion carried.

4) **NEW BUSINESS:**

- A. An application for a Special Designated License from Ken's Liquor, Inc. for a wedding reception to be held on Saturday, May 26, 2001 from 3 p.m. to 1 a.m. at Country Pines, located at 6305 West Adams Street in Lancaster County, Nebraska.

MOTION: Steinman moved and Heier seconded approval. Heier, Workman, Hudkins and Steinman voted aye. Motion carried.

- B. An agreement between BryanLGH Medical Center and the Lancaster County Community Mental Health Center for a Nurse Practitioner with psychiatric specialization to assist with services required by the Physician Extender Pilot. The County will pay BryanLGH \$55 per hour for up to ten hours per week. The term of the agreement is from the date of execution until July 1, 2001.

MOTION: Hudkins moved and Heier seconded approval. Steinman, Workman, Heier, and Hudkins voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

C. Allowance Modification Number 001 for the Election Commission remodel located at 601 North 46th Street, adding storage for voting booths, at a cost of \$1,534. (C-01-178 AM-01-01)

MOTION: Steinman moved and Hudkins seconded approval. Heier, Workman, Steinman and Hudkins voted aye. Motion carried.

D. A request from the Personnel Department to designate the job classes of Registered Nurse I and Registered Nurse II to a non-exempt status for purposes of determining payment of overtime under the Fair Labor Standards Act. (M-01-54)

MOTION: Steinman moved and Heier seconded approval. Steinman, Hudkins, Heier and Workman voted aye. Motion carried.

E. A request from AdValorem Services Company for a refund of personal property taxes for 2000, in the approximate amount of \$146.42. (M-01-51)

MOTION: Heier moved and Steinman seconded approval of refund of personal property taxes for 2000, in the amount of \$146.42. Workman, Hudkins, Steinman and Heier voted aye. Motion carried.

NOTE: The refund is for Petco Store #944. AdValorem Services Company requested the refund on Petco's behalf.

F. Appointment of the following individuals to the Lincoln-Lancaster County Board of Health:

<u>Name of Individual</u>	<u>Expiration of Term</u>
Kate Kulesher (replacing Ann Seacrest)	April 15, 2004
Dr. Donna Howe (replacing Dr. Jim Ganser)	April 15, 2004
Dr. Lisa Peterson (replacing Dr. Chris Caudill)	April 15, 2004

MOTION: Steinman moved and Heier seconded approval. Hudkins, Workman, Heier and Steinman voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

G. Notice of non-renewal or termination of Contract 00-460 with Region V Systems for its professional partnering program. The contract will renew July 1, 2001 unless notice is given. (M-01-57)

Sheryl Schrepf, Project Director for Families First and Foremost, stated that the contract requires a 60 day notice be given for non-renewal or termination.

MOTION: Heier moved and Steinman seconded approval. Heier, Steinman, Workman and Hudkins voted aye. Motion carried.

- 5) **CONSENT ITEMS:** These are items of business that are routine and which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. **Receive and Place on File:**

1. County Engineer's Monthly Reports for January, February and March, 2001.
2. County Engineer's Monthly Reports for the Geographic Information System (GIS) Division for January, February and March, 2001.

B. Setting of a public hearing for Tuesday, May 22, 2001 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding a Corporate Manager application for Jeff M. Feriozzi in connection with a Class K (Wine Off Sale Only) and a Class M (Bottle Club) liquor license submitted by Firethorn Investment d/b/a Firethorn Golf Club, located at 9301 Firethorn Lane.

C. A resolution in the matter of Comprehensive Plan Amendment 94-56, requested by the Director of Planning, to amend the 1994 Lincoln/Lancaster County Comprehensive Plan to adopt the "Southeast Lincoln/Highway 2 Subarea Plan" for the area generally located from South 56th to South 98th Streets, from Old Cheney Road to one-half mile south of Yankee Hill Road. (R-01-29)

D. A resolution in the matter of City/County Final Plat 00036, Stevens Creek Ridge Addition, for five lots on property generally located at 134th and Holdrege Streets in Lancaster County, Nebraska. (R-01-30)

5) CONSENT ITEMS CONTINUED:

- E. A subdivision agreement with Gerry A. And Dianne Krieser for City/County Final Plat 00036, Stevens Creek Ridge Addition, for five lots generally located at 134th and Holdrege Streets in Lancaster County, Nebraska. (C-01-205).
- F. Request from Gary L. Buhrmann, an employee in the Lancaster County Engineering Department, to voluntarily participate in the Lancaster County Retirement Plan. (M-01-53)
- G. Leasehold contracts relating to road improvements between the Lancaster County Engineer and the following:
 - ▶ LeRoy Geislinger, Jr., in the amount of \$10, on South 68th Street from Hickman Road to Saltillo Road; Project STPE-3265(6) (C-01-204)
 - ▶ John Juricek on West Denton Road, in the amount of \$10, on West Denton Road; Project C55-N-404(1) (C-01-203)
- H. Right-of-way contracts relating to road improvements between the Lancaster County Engineer and the following:
 - ▶ Ivan L. and LaVina M. Vagts, in the amount of \$1,461.32, on West Denton Road; Project C55-N-404(1) (C-01-202)
 - ▶ Janice E. Morse, Trustee, in the amount of \$247.50, on West Denton Road; Project C55-N-404(1) (C-01-201)
 - ▶ Paul J. Eisenbarth, Jr. and Debra Eisenbarth, in the total amount of \$3,075, on South 54th Street from Roca Road to Saltillo Road; Project C55-S-405(1) (2 contracts) (C-01-199 and C-01-200)
- I. Setting of a public hearing for Tuesday, May 8, 2001 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding an addition to licensed premise for Rasmussens on the Lake d/b/a P.O. Pears on the Lake located at 10005 West Davey Road in Lancaster County, Nebraska.

MOTION: Heier moved and Steinman seconded approval of the Consent Items. Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

6) **ADJOURNMENT**

MOTION: Heier moved and Steinman seconded adjournment of the Board of Commissioners meeting. Heier, Steinman, Hudkins and Workman voted aye. Motion carried.

Bruce Medcalf
County Clerk